

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 4:23-cr-40009-JPG-1

THOMAS J. UPCHURCH,

Defendant.

MEMORANDUM AND ORDER

This matter comes before the Court on the Defendant's motion for a reduction of his criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Manual ("U.S.S.G.") § 1B1.10, making Amendment 821 retroactive (Doc. 25). The Government agrees with the motion.

The parties agree that the Defendant is eligible for a reduction under Part B of Amendment 821. Under Part B of Amendment 821, which added U.S.S.G. § 4C1.1 (2023), some offenders with no criminal history points may have their offence level reduced by two. Because the Defendant has no criminal history, his **offense level is reduced from 12 to 10**.

The result is that his guideline sentencing range is lowered. Considering this lowered range, the parties agree that a sentence reduction from 10 months to 6 months in prison on all counts of conviction is appropriate. The Court agrees for the reasons set forth in the motion.

Accordingly, the Court **GRANTS** the motion (Doc. 25) and reduces the Defendant's sentence of imprisonment from 10 months to **6 months or "time served," whichever is longer**, effective February 1, 2024. The Court attaches its standard order (AO Form 247) reflecting the sentence reduction.

IT IS SO ORDERED.

DATED: January 19, 2024

s/ J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE